

RCE

PTO/SB/30 (09-04)

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Request

For

Continued Examination (RCE) Transmittal

Address to:

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number

09/700,066

Filing Date

March 20, 2001

First Named Inventor

Ruediger BARTZ

Art Unit

2635

Examiner Name

Vernal Brown

Attorney Docket Number

080437.49329US

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ii. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
 - iii. Other _____
 - b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____
2. **Miscellaneous**
 - a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 - b. Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when RCE is filed.
 - a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 05-1323. I have enclosed a duplicate copy of this sheet.
 - i. RCE fee of \$790.00 required under 37 C.F.R. § 1.17 (e)
 - ii. Extension of time fee of \$450.00 (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
 - b. Check in the amount of \$_____ enclosed
 - c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature

Date

March 7, 2005

Name (Print/Type)

Jeffrey D. Sanok

Registration No.

32,169

CERTIFICATE OF MAILING OR TRANSMISSION

REGISTRATION NO. 29,504

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature

Date

Name (Print/Type)

VINCENT J. SLINDERMAN

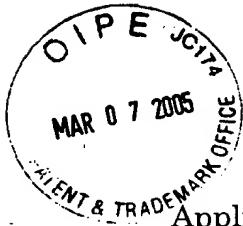
Date

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/700,066 Confirmation No. : 9690
First Named Inventor : Ruediger BARTZ
Filed : March 20, 2001
TC/A.U. : 2635
Examiner : Vernal Brown
Docket No. : 080437.49329US
Customer No. : 23911
Title : Mobile Transponder for a Motor Vehicle

RESPONSE PURSUANT TO THE
FILING OF AN RCE UNDER 37 C.F.R. 1.114

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following comments are addressed to the rejection of claim 5 under 35 U.S.C. 103 as unpatentable over Saito, U.S. Patent No. 4,673,921 in view of Toal, U.S. Patent No. 4,797,671 and Kuipers, U.S. Patent No. 4,742,356 as well as the rejection of claims 6 and 7 over the above combination and further in view of Culpeper et al., U.S. Patent No. 5,657,026.

In the final Patent Office Action, it was indicated that Applicants' arguments filed on July 6, 2004 were not persuasive because the reference to Sato already teaches transmitters and receivers but fail to teach rotating the antenna to provide coverage in all directions. The references to Toal and Kuipers were relied upon for providing coverage in all directions by using plural antennas to locate an object.

Applicants respectfully submit that claim 5 specifically recites that the display provides information concerning direction and location of the vehicle

regardless of the orientation of the “transponder”. The reference to Toal is a transmitter which does not recognize a signal from the vehicle. Likewise, the reference to Kuipers cannot determine the location of a vehicle or other object regardless of orientation of the transponder because it is not a transponder. It shows the detection of remote object orientation position using a transmitter 10 and a receiver remotely located at sensor 30.

The claims call for the location regardless of the orientation of the transponder. If the secondary references are cited for teaching coverage in all directions by using plural antennas, there is no indication that a combination with the primary reference to Sato would provide the required display of the location of the vehicle regardless of the orientation of the transponder which transponder includes not only a plurality of antennas which recognize a signal from the vehicle but which also provide a directed output as well as the evaluation logic all within the transponder. The transponder of Sato cannot do this. The secondary references have plural antennas to provide coverage in multiple directions when but do not transmit. They are only able to receive and do not provide a true transponder. Therefore there is no teaching to one of ordinary skill in the art whereby the references could be combined to meet the limitations of independent claim 5 and dependent claims 6 and 7. The secondary reference to Culpeper, even accepting the statement of the rejection for its showing, adds nothing toward meeting the claim limitations of independent claim 5 from which claims 6 and 7 depend and contain all the limitations thereof.

Therefore, Applicants respectfully request allowance of this application containing claims 5-7.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.49329).

Respectfully submitted,

March 7, 2005


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